

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

	----- x -----
<i>In re</i>	:
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	: PROMESA Title III
as representative of	: Case No. 17-BK-3283 (LTS)
THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> ,	: (Jointly Administered)
Debtors. <sup>1</sup>	:
	:
	----- x -----
<i>In re</i>	:
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	: PROMESA Title III
as representative of	: Case No. 17-BK-04780-LTS
PUERTO RICO ELECTRICAL POWER AUTHORITY (PREPA),	: <b>Court Filing Relates Only to PREPA</b>
Debtor.	:
	----- x -----

**FOURTH JOINT INFORMATIVE MOTION REGARDING SCHEDULE FOR MOTION  
TO COMPEL DEPOSITIONS OF NELSON MORALES AND JOSÉ ROQUE TORRES**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Cortland Capital Market Services LLC (“Cortland”), as successor administrative agent for lenders under a Credit Agreement, dated May 4, 2012, among the Puerto Rico Electric Power Authority (“PREPA”), Scotiabank de Puerto Rico, and certain lenders; SOLA LTD, Solus Opportunities Fund 5 LP, Ultra Master LTD, and Ultra NB LLC (collectively, “Solus”), as lenders to PREPA under the Scotiabank Credit Agreement and under a Trade Finance Facility Agreement, dated July 20, 2012, between PREPA and Citibank, N.A.; PREPA, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act; and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and, together with Cortland, Solus, PREPA, and the Oversight Board, the “Parties”) respectfully submit this fourth joint informative motion regarding the deadlines for Cortland and Solus to file a motion to compel the deposition testimony of Nelson Morales and José Roque Torres.

1. On October 18, 2019, the Court entered the *Corrected Fifth Revised Order Modifying Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement* [ECF No. 1235] (the “Fifth Revised Scheduling Order”) [ECF No. 1672].

2. On October 25, 2019, the Court entered the *Sixth Revised Order Modifying Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support*

*Agreement* (the “Sixth Revised Scheduling Order”) [Dkt. 1684]. The Sixth Revised Scheduling Order provides that certain provisions of the Fifth Revised Scheduling Order “shall govern.”

3. The Sixth Revised Scheduling Order (through incorporation of certain provisions of the Fifth Revised Scheduling Order) contemplates the filing of a motion to compel regarding Cortland’s and Solus’s notices of deposition of Nelson Morales and José Roque Torres by October 23, 2019.

4. As reflected in the *Third Joint Informative Motion Regarding Schedule for Motion to Compel Depositions of Nelson Morales and José Roque Torres* [ECF No. 1686], the Parties previously agreed to extend Cortland’s and Solus’s deadline to file the motion to compel the depositions of Mr. Morales and Mr. Roque to October 30, 2019.

5. The Parties are continuing to work productively toward a stipulation to narrow or avoid the depositions of Mr. Morales and Mr. Roque. In the interest of reaching a consensual resolution, the parties hereby agree that:

- A. Cortland’s and Solus’s deadline to file the motion to compel the depositions of Mr. Morales and Mr. Roque is November 4, 2019.
- B. If the Court orders AAFAF, PREPA, and/or the Oversight Board to make Mr. Morales and/or Mr. Roque available for deposition, then the “deadline for completion of fact discovery” provided in the Sixth Revised Scheduling Order shall be extended as to these two depositions until each deposition is completed.
- C. None of the Parties’ agreements reflected in this informative motion shall affect any other deadlines provided for under the Sixth Revised Scheduling Order.

Dated: October 30, 2019

/s/ Nayuan Zouairabani

Nayuan Zouairabani  
USDC-PR No. 226411  
MCCONNELL VALDÉS LLC  
270 Muñoz Rivera Avenue, Suite 7  
Hato Rey, Puerto Rico 00918  
P.O. Box 364225  
San Juan, Puerto Rico 00936-4225  
Telephone: (787) 250-5604  
Facsimile: (787) 759-9225  
Email: nzt@mcvpr.com

Respectfully submitted,

/s/ Emil A. Kleinhaus

Richard G. Mason (admitted *pro hac vice*)  
John F. Lynch (admitted *pro hac vice*)  
Emil A. Kleinhaus (admitted *pro hac vice*)  
Angela K. Herring (admitted *pro hac vice*)  
WACHTELL, LIPTON, ROSEN & KATZ  
51 West 52nd Street  
New York, New York 10019  
Telephone: (212) 403-1000  
Facsimile: (212) 403-2000  
Email: rgmason@wlrk.com  
jlynch@wlrk.com  
eakleinhaus@wlrk.com  
akherring@wlrk.com

*Attorneys for Cortland Capital Market Services LLC, as Administrative Agent*

/s/ Jose L. Ramirez-Coll

Jose L. Ramirez-Coll  
USDC-PR No. 221702  
ANTONETTI, MONTALVO  
& RAMIREZ-COLL  
P.O. Box 13128  
San Juan, Puerto Rico 00908  
Telephone: (787) 977-0303  
Facsimile: (787) 977-0323  
Email: jramirez@amrclaw.com

/s/ Bryce L. Friedman

Bryce L. Friedman (admitted *pro hac vice*)  
Nicholas Baker (admitted *pro hac vice*)  
Sarah E. Phillips (admitted *pro hac vice*)  
SIMPSON THACHER & BARTLETT LLP  
425 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 455-2000  
Facsimile: (212) 455-2502  
Email: bfriedman@stblaw.com  
nbaker@stblaw.com  
sarah.phillips@stblaw.com

*Attorneys for SOLA LTD, Solus Opportunities Fund 5 LP, Ultra Master LTD, and Ultra NB LLC*

/s/ Luis F. del Valle Emmanuelli

Luis F. del Valle Emmanuelli  
DEL VALLE EMMANUELLI LAW  
OFFICES  
P.O. Box 79897  
San Juan, Puerto Rico 00984-9897  
Telephone: (787) 977-1932  
Facsimile: (787) 722-1932  
Email: dvelawoffices@gmail.com

*Co-Attorneys for the Financial Oversight and Management Board for Puerto Rico and as representative of the Puerto Rico Electric Power Authority*

/s/ Katiuska Bolaños

Katiuska Bolaños  
USDC-PR 231812  
DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.  
290 Jesús T. Piñero Ave.  
Scotiabank Tower, Suite 11-E  
San Juan, Puerto Rico 00918  
PO Box 11689  
San Juan, PR 00922-1689  
Telephone: (787) 458-8276  
Email: kbolanos@diazvaz.com

*Co-Attorneys for Puerto Rico Electric Power Authority*

/s/ Margaret A. Dale

Martin J. Bienenstock (admitted *pro hac vice*)  
Paul V. Possinger (admitted *pro hac vice*)  
Ehud Barak (admitted *pro hac vice*)  
Margaret A. Dale (admitted *pro hac vice*)  
Gregg M. Mashberg (admitted *pro hac vice*)  
PROSKAUER ROSE LLP  
Eleven Times Square  
New York, NY 10036  
Telephone: (212) 969-3000  
Facsimile: (212) 969-2900  
Email: mbienenstock@proskauer.com  
ppossinger@proskauer.com  
ebarak@proskauer.com  
mdale@proskauer.com  
gmashberg@proskauer.com

*Attorneys for the Financial Oversight and Management Board for Puerto Rico and as representative of the Puerto Rico Electric Power Authority*

/s/ Elizabeth L. McKeen

John J. Rapisardi (admitted *pro hac vice*)  
Nancy A. Mitchell (admitted *pro hac vice*)  
Peter Friedman (admitted *pro hac vice*)  
O'MELVENY & MYERS LLP  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061  
Email: jrapisardi@omm.com  
nmitchell@omm.com  
pfriedman@omm.com

-and-

Elizabeth L. McKeen (admitted *pro hac vice*)  
Ashley M. Pavel (admitted *pro hac vice*)  
610 Newport Center Drive, 17th Floor  
Newport Beach, CA 92660  
Telephone: (949) 823-6900  
Facsimile: (949) 823-6994  
Email: emckeен@omm.com  
apavel@omm.com

*Attorneys for the Puerto Rico Fiscal Agency and Financial Advisory Authority and the Puerto Rico Electric Power Authority*

/s/ Luis Marini

Luis Marini  
MARINI PIETRANTONI MUÑIZ, LLC  
MCS Plaza  
San Juan, Puerto Rico 00917  
Telephone: (787) 406-8555  
Email: lmarini@mpmlawpr.com

*Co-Attorneys for Puerto Rico Fiscal  
Agency and Financial Advisory Authority*